

REMARKS

The Examiner is thanked for the performance of a thorough search.

Receipt of the Notice of Draftsperson's Patent Drawing Review is acknowledged.

Applicant proposes to submit formal drawings after completion of the examination process upon the issuance of a Notice of Allowance.

By this amendment, Claims 48-50 have been added. No claims have been cancelled. Claims 1, 8, 10-12, 14, 21-25, 28-30, 36, 39, and 42 have been amended. Hence, Claims 1-50 are pending in the application.

SUMMARY OF THE REJECTIONS/OBJECTIONS

The disclosure was objected to because of a missing serial number.

The drawings was objected to under 37 CFR 1.83(a), which requires drawings to show every feature of the invention specified in the claims.

Claims 8, 11, 12, 21-24, 28, 29, and 39 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 1-9 and 11-47 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,699,365 to Klayman et al. ("*Klayman*"). Claim 10 was objected to, as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

The rejections are respectfully traversed.

RESPONSE TO REJECTIONS/OBJECTIONS

Applicants have corrected the specification to include the serial number of a patent incorporated by reference. Applicants respectfully submit that no new matter has been entered in the specification.

The drawings presently stand objected to under 37 CFR 1.83(a). The Examiner states:

The drawings must show every feature of the invention specified in the claims. Therefore, the "wired communications terminal" must be shown or the feature canceled from the claims.

The drawings are modified in accordance with the Examiner's suggestions. Accordingly, Applicants respectfully submit the drawings are allowable under 37 CFR 1.83(a).

All claims rejected under 35 U.S.C. 112, second paragraph have been amended to particular point out and distinctly claim the subject matter which the Applicants regards as the invention. Accordingly, Applicants respectfully submit the claims are allowable under 35 U.S.C. 112, second paragraph.

As stated above, Claim 10 was found by the Examiner to be allowable if rewritten in independent form. Claim 10 has been amended to include all limitations and features of independent Claim 1; Applicants respectfully submit Claim 10 is in condition for allowance. New Claims 48-50, which are dependent upon Claim 10, have been added.

Applicants respectfully submit Claims 48-50 are in condition for allowance as they depend from an allowed claim.

Claims 1, 14, 25, 30, 36, and 42 have been amended to include:

“determining the dynamic quality of said communication channel.”

Klayman does not disclose, teach, or suggest “determining the dynamic quality of said communication channel”. Therefore, for at least the reasons stated above, it is respectfully submitted that Claims 1, 14, 25, 30, 36, and 42 are allowable over the art of record and are in condition for allowance.

Each of Claims 2-9, 11-13, 15-24, 26-29, 31-35, 37-41, and 43-47 are dependent upon one of Claims 1, 14, 25, 30, 36, and 42, and thus include the element discussed above. Therefore, Applicants respectfully submit that Claims 2-9, 11-13, 15-24, 26-29, 31-35, 37-41, and 43-47 are patentable for at least the reasons stated above with respect to Claims 1, 14, 25, 30, 36, and 42.

CONCLUSION

In view of the above amendments and remarks, reconsideration and allowance of the application is believed to be warranted and such action is respectfully requested. If the Examiner has any questions regarding this amendment, he is encouraged to contact the undersigned at the number listed below so that, if necessary, an interview with Applicants and/or Applicants' agent can be arranged.

No extension of time or extension fee is believed due by the filing of this paper. However, if an extension of time or extension fee is due by the filing of this paper, then

Applicants respectfully request that this statement be considered a petition therefor and the undersigned hereby authorizes the Commissioner to charge Lyon & Lyon's deposit account no. 12-2475 the fees due under 37 CFR §§ 1.136 and 1.17.

Respectfully submitted,

LYON & LYON LLP

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